

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL GREEN,
Petitioner,
v.
JEFF MACOMBER,¹
Respondent.

No. 2:22-cv-01423-KJM-EFB (HC)

ORDER

Petitioner, a state prisoner proceeding pro se, has filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The matter was referred to a United States Magistrate Judge as provided by 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On January 6, 2023, the magistrate judge filed findings and recommendations, which were served on petitioner and which contained notice to petitioner that any objections to the findings and recommendations were to be filed within fourteen days. Petitioner has not filed objections to the findings and recommendations.

The court presumes that any findings of fact are correct. *See Orand v. United States*, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed

¹ Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Jeff Macomber, the Secretary of the California Department of Corrections and Rehabilitation, is substituted as the proper respondent.

1 de novo. *See Robbins v. Carey*, 481 F.3d 1143, 1147 (9th Cir. 2007) (“[D]eterminations of law
2 by the magistrate judge are reviewed de novo by both the district court and [the appellate] court
3”). Having reviewed the file, the court finds the findings and recommendations to be
4 supported by the record and by the proper analysis.

5 Accordingly, IT IS HEREBY ORDERED:

- 6 1. The findings and recommendations filed January 6, 2023 are adopted in full;
- 7 2. Petitioner’s request for a stay (ECF No. 6) is denied;
- 8 3. This action is dismissed for the reasons set forth in the November 28, 2022
9 order to show cause (ECF No. 5);
- 10 4. The clerk of court is directed to close this case; and
- 11 5. The court declines to issue a certificate of appealability.

12 DATED: February 21, 2023.

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15 CHIEF UNITED STATES DISTRICT JUDGE
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